IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 28145 of 2007

DATED: 28.12.2007

Between:
K.Rajeshwara Rao petitioner

And

The Deputy Registrar of Coop Societies,
AMC complex,
Governorpet, Vijayawada & another Respondents

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 28145 of 2007

Oral order:

The present writ petition is filed questioning the action of respondent No.2 in preparing the voters list dated 31.10.2007, as illegal and arbitrary.

The grievance of the petitioner, who is member of the second respondent society is that the second respondent society has prepared a voters list dated 31.10.2007, committing irregularities like refusing to admit new members, retaining the dead and retired members and not displaying the provisional voters list calling for objections of the members etc. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation.

The petitioner alleges irregularities against the second respondent society while preparing the voters list and contends that if the respondents were allowed to conduct elections with such erroneous voters list, irreparable loss and hardship would be caused.

The writ petition raises disputed questions of fact, namely whether the second respondent society refused to admit the new members, who are eligible, Whether the dead and retired persons were continued and whether the final voters list is prepared without displaying the provisional list calling for the objections etc. Such disputed questions of fact, the law is well settled, cannot be gone into

by this Court in a writ petition under Article 226 of the Constitution of India.

Having regard to the provisions of Section 61(3) of the A.P. Co-operative Societies Act, 1964, which states that every dispute relating to, or in connection with any election to a committee of a society shall be referred for decision to the Tribunal having jurisdiction over the place where the main office of the society is situated, whose decision shall be final, I am of the considered opinion that the said question cannot be gone into by this Court in this writ petition, and the remedy of the petitioner, is to approach the Tribunal.

In fact this Court in **M. Ramachandra Reddy and Others v. Government of A.P.**[1] considered similar question as is involved in this writ petition, and held that even if it was assumed that there were certain irregularities in enrolment of the members of the society and preparation of the voters list, as held by the apex Court in **Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha v. State of Maharashtra**[2], the same can at the most be a valid ground to raise an election dispute after the declaration of the result, and that sub-sections (3) and (4) of Section 61 of the Act in clear terms provide that any dispute relating to any election to a committee of a society shall be referred to the Tribunal only after the date of declaration of the result of such election.

For the foregoing reasons, I find no merit in the writ petition, and the same is accordingly dismissed. However, the petitioners are at liberty to approach the Co-operative Tribunal under
Sections 61(3) and (4) of the A.P. Co-operative Societies Act, after conduct of the elections and raise election dispute. No costs.

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N.V. RAMANA, J.

Dated: 28th December, 2007.

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THE HON'BLE MR JUSTICE N.V. RAMANA

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[1] 2006 (2) ALD 296

[2] (2001) 8 SCC 509